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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,125	03/01/2002	Tomoaki Umeda	Q66588	3925

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Washington, DC 20037-3213

EXAMINER
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BAYERL, RAYMOND J

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/085,125

**Applicant(s)**

UMEDA, TOMOAKI

**Examiner**

Raymond J. Bayerl

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 - 9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1 – 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson et al. ("Jackson"; US #2002/0105658 A1) in view of Fredlund et al. ("Fredlund"; US #5,666,215).

As per independent claims 1, 4, & 7, Jackson discloses a data management method comprising the steps of: displaying on a display means an icon corresponding to a data management unit with which data can be registered (paragraph 32 lines 1-6): In block 105 of FIG. 2, the customer selects images to be uploaded from the home computer 10 to the fulfillment center 40, in order to be stored by the service provider, and possibly utilized in the future to produce one or more photo products. In a preferred embodiment, the CPU 12 displays on the display monitor 14 a display screen 400 as shown in FIG. 7. Jackson thus teaches displaying on screen a set of data that is to be selected, and also the use of icons that represent digital images on a computer. In performing the image group access, icons that refer to the set will be used.

In addition Jackson states carrying out a simple output of the data registered with the data management unit to the display means by opening the icon (paragraph 22 & paragraph 68): FIG. 7 is a graphical user interface screen to enable a user to select images to be uploaded & As in block 105, this can be done by selecting to upload all the images from a

particular CD inserted in CD reader 2 or stored in digital camera 6 or by individually selecting images to be uploaded.

The initial group selection via icon that occurs in Jackson has the result of opening a displayed group of sub-icons for the images.

The difference between the claims and Jackson is the claims recite "registering the data with the data management unit by carrying out a drag-and-drop operation for the data onto the icon".

However, Fredlund teaches a method to allow a customer to place an order of prints via a personal computer or a kiosk work station similar to that of Jackson. In addition, Fredlund discloses registering the data with the data management unit by carrying out a drag-and-drop operation for the data onto the icon (col. 5 lines 38-44): The customer then identifies one of the images using a standard drag and drop computer interface or set-top box selection mode, for example by clicking on one of the images with a mouse or trackball and dragging it into the large display area 56, or by entering the desired frame number on a remote control device if the program is implemented via a set-top box. Thus in Fredlund is a representation of data dragged to a destination location and dropped, to effect a function of designation.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the mouse clicking method for selecting images taught by Jackson to include the mouse capabilities of dragging and dropping as a method for

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selecting images of Fredlund, in order to obtain a system that allows a user to drag and drop images from a graphical user interface for selecting a print orders to be sent via a network in a way that allows the user to have direct perception of the operations that are being performed.

It would have been advantageous for one to utilize such a combination for the reason that there is a desirable need to have an improved system and method for facilitating ordering and re-ordering of prints, and other images, which are from Photo CD™ or digital cameras, or related services from negatives, and the Jackson system would thus benefit from a more direct drag-and-drop approach.

Concerning claims 2, 5 & 8, Jackson in view of Fredlund states the data are image data and the simple output is displaying a thumbnail image or thumbnail images of the image data that have been registered with the data management unit (Jackson, paragraph 39 lines 7-12): The display screen 400 includes a two-dimensional array of thumbnail images 402 obtained from the digital camera 6, the CD reader 2, or the hard drive 20. The thumbnail images 402 preferably are thumbnail images stored within the Exif/JPEG image files provided by the digital camera 6.

As per claims 3, 6, & 9, Jackson in view of Fredlund discloses displaying on the display means, in the case where a plurality sets of the image data have been registered with the data management unit, an order screen for all the image data sets together with the thumbnail images thereof, (Jackson paragraph 39 line 13- paragraph

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40 line 4): The user selects all of the images, or a subset of the images, by clicking the mouse 18 on the "select all" icon 432, or on any number of thumbnail images 402. FIG. 7 shows that four thumbnail images 402a, 402b, 402c, and 402d (which are outlined) have been selected. In order to select desired images from a large number of thumbnail images 402, arrow controls 404 on the right portion of display screen 400 enable the user to scroll through the larger number of thumbnail images 402; receiving an input of the content of a print order for the image data sets (Jackson, paragraph 50 lines 1-5 & Figure 2): In block 120, the user selects the images to be used to produce the photo products they have selected. The selection is accomplished using the mouse 18 or keypad 16 to identify appropriate images. This can be done as described earlier in relation to FIG. 7.; and generating order information representing the content of the print order for the image data sets (Jackson, paragraph 51 lines 1-5, & Figure 4, Fredlund) Information describing the products selected by the user can be stored in the service account information depicted in FIG. 5. As shown in the example depicted in FIG. 5, the service account information includes the user name, password, user e-mail address, user shipping address, and billing information (lines 3-7).

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3. Applicant's arguments filed 10 February 2005 have been fully considered but they are not persuasive.

At pages 8 - 9, applicant argues that, "to the extent Jackson may disclose the registering of data, it is with a display screen, not by using an icon corresponding to the data management unit". However, data **is** registered with an icon that Jackson would use to call up a set of data (for Jackson's system uses the iconic metaphor throughout), and it is Fredlund that is relied upon to show drag-and-drop registration such as would obviously use such a "folder" icon as a target. This object, moreover, would represent the claimed "data management unit" because of its organizing capability.

As per Fredlund, applicant then argues (page 9) that "[t]he Examiner's reliance on the drag and drop for displaying images on an ordering screen is misplaced since the images on film 18 would have already been registered in order to even appear on the ordering screen". However, the Examiner is not permitted to "read in" that the "registering" is of data that is maintained at such a differing stage in the process. Fredlund thus is sufficient to show the selection and registration of data, and by using drag and drop. When combined with Jackson, this results in an openable collection having added to it items of data from the Fredlund selection and registration arrangement, when "registering" is given a reasonably broad interpretation.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The additionally-cited US Patent documents (see attached form PTO-892), discovered during an update search, relate to on-screen manipulations of objects representing image data items.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Bayerl whose telephone number is (571) 272-4045. The examiner can normally be reached on M - Th from 9:00 AM to 4:00 PM ET.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (571) 272-4048. All patent application related correspondence transmitted by FAX **must be directed** to the central FAX number (703) 872-9306.



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8. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.



RAYMOND J. BAYERL  
PRIMARY EXAMINER  
ART UNIT 2173

9 May 2005